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5 Honorable Robert S. Lasnik
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 ROBERT NEFF, an individual,

No. 4:18-cv-01716-RSL

10 Plaintiff,

STIPULATED MOTION AND ORDER OF
DISMISSAL OF DEFENDANT SAFEWAY
INC.

11 vs.

12 ZEWWDNEH N. DESTA and JANE DOE
DESTA, husband and wife, K&B
13 TRANSPORTATION, INC., a foreign
corporation, and SAFEWAY, INC., a foreign
14 corporation,

15 Defendants.

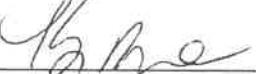
16 **STIPULATION**

17 The parties, by and through their respective counsel, hereby stipulate as follows:

- 18 1. All claims against defendant Safeway Inc. may be dismissed, without fees or
costs, and that the Order below dismissing those claims may be entered;
- 20 2. The Order of Dismissal will automatically become "with prejudice" should no
party move to amend a pleading to assert fault against Safeway Inc. by the currently pending
22 expert disclosure deadline, 9/4/19.

1 3. If no party moves to amend a pleading to assert fault against Safeway Inc. by
2 9/4/19, the remaining defendants may not claim that Safeway is an empty chair under RCW
3 4.22.070 or any other theory.

4 Signed this 21st day of May, 2019.
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6 FORSBERG & UMLAUF, P.S.


7 Kimberly Reppart, WSBA #30643
8 901 Fifth Avenue, Suite 1400
9 Seattle, Washington 98164-2050
10 Telephone: (206) 689-8500
11 Fax: (206) 689-8501
12 Email: KReppart@FoUm.law
13 Attorney for Defendant Safeway Inc.

14 FORSBERG & UMLAUF, P.S.

15 *s/ Roy A. Umlauf*
16 Roy A. Umlauf, WSBA #15437
17 901 Fifth Avenue, Suite 1400
18 Seattle, Washington 98164-2050
19 Telephone: (206) 689-8500
20 Fax: (206) 689-8501
21 Email: roy@FoUm.law
22 Attorney for Defendant Safeway Inc.

23 STRITMATTER KESSLER
24 KOEHLER MOORE

25 *s/ Karen Koehler*
26 Karen Koehler, WSBA #15325
27 3600 15th Ave W #300
28 Seattle, WA 98119
29 Counsel for Plaintiff
30 Telephone: (206) 448-1777
31 Fax: (206) 728-2131
32 Email: karenk@stritmatter.com
33 Attorneys for Plaintiff

1 WILSON SMITH COCHRAN DICKERSON

2 s/ Dylan E. Jackson

3 Dylan E. Jackson, WSBA #29220
4 901 Fifth Avenue, Suite 1700
5 Seattle, Washington 98164-2050
6 Telephone: (206) 623-4100
7 Fax: (206) 623-9273
8 Email: jackson@wscd.com;
9 Attorneys for Defendants K&B
10 Transportation, Inc. & Zewdneh N. Desta

11 WILSON SMITH COCHRAN DICKERSON

12 s/ Jeff M. Sbaih

13 Jeff M. Sbaih, WSBA #51551
14 901 Fifth Avenue, Suite 1700
15 Seattle, Washington 98164-2050
16 Telephone: (206) 623-4100
17 Fax: (206) 623-9273
18 Email: sbhaih@wscd.com
19 Attorneys for Defendants K&B
20 Transportation, Inc. & Zewdneh N. Desta

21 **ORDER**

22 THIS MATTER came before the Court upon the above Stipulation of the parties. In
23 light of the foregoing, the Court hereby ORDERS as follows:

1. All claims against defendant Safeway Inc. are hereby dismissed, without fees or costs;
2. This Order of Dismissal shall automatically become "with prejudice" should no party move to amend a pleading to assert fault against Safeway Inc. by the currently pending expert disclosure deadline, 9/4/19.
3. If no party moves to amend a pleading to assert fault against Safeway Inc. by 9/4/19, the remaining defendants may not claim that Safeway is at fault as an empty chair under RCW 4.22.070 or any other theory.

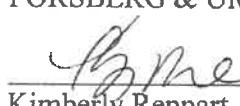
1 DONE IN OPEN COURT this 23rd day of May, 2019.

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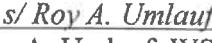


Honorable Robert S. Lasnik

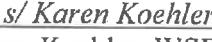
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9 Seattle, Washington 98164-2050
10 Telephone: (206) 689-8500
11 Fax: (206) 689-8501
12 Email: KReppart@FoUm.law
13 Attorney for Defendant Safeway Inc.

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17 901 Fifth Avenue, Suite 1400
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29 Telephone: (206) 448-1777
30 Fax: (206) 728-2131
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